

## 46 Am. Jur. 2d Judges § 1

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### Judges

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### I. In General

## § 1. Definition and characterization of judges

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  1, 2

A judge is generally defined as a public officer authorized by law to hear and determine causes and to hold court for that purpose.<sup>1</sup> The term "judge" may also be more broadly defined as meaning any public officer performing judicial functions.<sup>2</sup> The term includes every judicial officer authorized, alone or with others, to hold or preside over a court of record, but in its most extensive sense, it includes all officers appointed to decide litigated questions,<sup>3</sup> and there exists a presumption of honesty and integrity in those serving as an adjudicator.<sup>4</sup> "Judge" also includes a judge pro tempore, which is defined as a person who is appointed to act temporarily as a judge.<sup>5</sup> In addition, the term "judge" as used in the code of judicial conduct includes a candidate for a judicial position.<sup>6</sup>

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### Footnotes

- 1 [Schuster v. Raflowitz](#), 245 A.D. 248, 281 N.Y.S. 379 (3d Dep't 1935).
- 2 [Todd v. U.S.](#), 158 U.S. 278, 15 S. Ct. 889, 39 L. Ed. 982 (1895).
- 3 [Babigan v. Wachtler](#), 133 Misc. 2d 111, 506 N.Y.S.2d 506 (Sup 1986), judgment [aff'd](#), 126 A.D.2d 445, 510 N.Y.S.2d 473 (1st Dep't 1987), order [aff'd](#), 69 N.Y.2d 1012, 517 N.Y.S.2d 905, 511 N.E.2d 49 (1987).  
As to magistrates, generally, see § 2.  
As to justices of the peace, see [Am. Jur. 2d, Justices of the Peace](#) §§ 1 et seq.  
As to judges of juvenile courts, see [Am. Jur. 2d, Juvenile Courts and Delinquent and Dependent Children](#) § 6.  
As to members of courts-martial, see [Am. Jur. 2d, Military and Civil Defense](#) §§ 226, 227.
- 4 [Romig v. Jefferson-Pilot Life Ins. Co.](#), 132 N.C. App. 682, 513 S.E.2d 598 (1999), [aff'd](#), 351 N.C. 349, 524 S.E.2d 804 (2000).
- 5 [Mississippi Judicial Performance Com'n v. Thomas](#), 549 So. 2d 962 (Miss. 1989).  
As to pro tem judges, generally, see §§ 232 to 252.

6 [In re Fadeley, 310 Or. 548, 802 P.2d 31 \(1990\).](#)

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